

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 347**

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**Introduced by Assembly Member Achadjian**

February 13, 2013

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An act to amend Section 457.1 of the Penal Code, relating to arson.

LEGISLATIVE COUNSEL'S DIGEST

AB 347, as amended, Achadjian. Arson: registration.

Existing law requires a convicted arsonist, as specified, to register with certain local officials in the area in which he or she resides, and makes it a misdemeanor to fail to register. Existing law also requires the registering law enforcement agency to forward certain information about the person to the Department of Justice, including a signed statement, and the person's fingerprints and photograph. *Under existing law, those statements, photographs, and fingerprints are not open to inspection by the public or by any person other than a regularly employed peace officer or other law enforcement officer.*

This bill would ~~make technical, nonsubstantive changes to those provisions~~. *require the Department of Justice to make all of these statements, photographs, and fingerprints available to all chief fire officials of a legally organized fire department or fire protection district in the state.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 457.1 of the Penal Code is amended to read:

457.1. (a) As used in this section, “arson” means a violation of Section 451, 451.5, or 453, and attempted arson, which includes, but is not limited to, a violation of Section 455.

(b) (1) Every person described in paragraphs (2), (3), and (4), for the periods specified therein, shall, while residing in, or if the person has no residence, while located in California, be required to, within 14 days of coming into, or changing the person’s residence or location within any city, county, city and county, or campus wherein the person temporarily resides, or if the person has no residence, is located:

(A) Register with the chief of police of the city where the person is residing, or if the person has no residence, where the person is located.

(B) Register with the sheriff of the county where the person is residing, or if the person has no residence, where the person is located in an unincorporated area or city that has no police department.

(C) In addition to subparagraph (A) or (B), register with the chief of police of a campus of the University of California, the California State University, or community college where the person is residing, or if the person has no residence, where the person is located upon the campus or any of its facilities.

(2) Any person who, on or after November 30, 1994, is convicted in any court in this state of arson or attempted arson *shall* register, in accordance with this section, for the rest of his or her life.

(3) Any person who, having committed the offense of arson or attempted arson, and after having been adjudicated a ward of the juvenile court on or after January 1, 1993, is discharged or paroled from the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, shall register, in accordance with this section, until that person attains the age of 25 years, or until the person has his or her records sealed pursuant to Section 781 of the Welfare and Institutions Code, whichever event comes first.

(4) Any person convicted of the offense of arson or attempted arson on or after January 1, 1985, through November 29, 1994,

1 inclusive, in any court of this state, *shall* register, in accordance  
2 with this section, for a period of five years commencing, in the  
3 case where the person was confined for the offense, from the date  
4 of their release from confinement, or in the case where the person  
5 was not confined for the offense, from the date of sentencing or  
6 discharge, if that person was ordered by the court at the time that  
7 person was sentenced to register as an arson offender. The law  
8 enforcement agencies shall make registration information available  
9 to the chief fire official of a legally organized fire department or  
10 fire protection district having local jurisdiction where the person  
11 resides.

12 (c) Any person required to register pursuant to this section who  
13 is discharged or paroled from a jail, prison, school, road camp, or  
14 other penal institution, or from the Department of Corrections and  
15 Rehabilitation, Division of Juvenile Facilities, where he or she  
16 was confined because of the commission or attempted commission  
17 of arson, shall, prior to the discharge, parole, or release, be  
18 informed of his or her duty to register under this section by the  
19 official in charge of the place of confinement. The official shall  
20 require the person to read and sign the form as may be required  
21 by the Department of Justice, stating that the duty of the person  
22 to register under this section has been explained to him or her. The  
23 official in charge of the place of confinement shall obtain the  
24 address where the person expects to reside upon his or her  
25 discharge, parole, or release and shall report the address to the  
26 Department of Justice. The official in charge of the place of  
27 confinement shall give one copy of the form to the person, and  
28 shall, not later than 45 days prior to the scheduled release of the  
29 person, send one copy to the appropriate law enforcement agency  
30 having local jurisdiction where the person expects to reside upon  
31 his or her discharge, parole, or release; one copy to the prosecuting  
32 agency that prosecuted the person; one copy to the chief fire official  
33 of a legally organized fire department or fire protection district  
34 having local jurisdiction where the person expects to reside upon  
35 his or her discharge, parole, or release; and one copy to the  
36 Department of Justice. The official in charge of the place of  
37 confinement shall retain one copy. All forms shall be transmitted  
38 in time so as to be received by the local law enforcement agency  
39 and prosecuting agency 30 days prior to the discharge, parole, or  
40 release of the person.

(d) All records relating specifically to the registration in the custody of the Department of Justice, law enforcement agencies, and other agencies or public officials shall be destroyed when the person required to register under this subdivision for offenses adjudicated by a juvenile court attains the age of 25 years or has his or her records sealed under the procedures set forth in Section 781 of the Welfare and Institutions Code, whichever event occurs first. This subdivision does not require the destruction of other criminal offender or juvenile records relating to the case that are maintained by the Department of Justice, law enforcement agencies, the juvenile court, or other agencies and public officials unless ordered by the court under Section 781 of the Welfare and Institutions Code.

(e) Any person who is required to register pursuant to this section who is released on probation or discharged upon payment of a fine shall, prior to the release or discharge, be informed of his or her duty to register under this section by the probation department of the county in which he or she has been convicted, and the probation officer shall require the person to read and sign the form as may be required by the Department of Justice, stating that the duty of the person to register under this section has been explained to him or her. The probation officer shall obtain the address where the person expects to reside upon his or her release or discharge and shall report within three days the address to the Department of Justice. The probation officer shall give one copy of the form to the person, and shall send one copy to the appropriate law enforcement agency having local jurisdiction where the person expects to reside upon his or her discharge or release, one copy to the prosecuting agency that prosecuted the person, one copy to the chief fire official of a legally organized fire department or fire protection district having local jurisdiction where the person expects to reside upon his or her discharge or release, and one copy to the Department of Justice. The probation officer shall also retain one copy.

(f) The registration shall consist of (1) a statement in writing signed by the person, giving the information as may be required by the Department of Justice, and (2) the fingerprints and photograph of the person. Within three days thereafter, the registering law enforcement agency shall electronically forward

1 the statement, fingerprints, and photograph to the Department of  
2 Justice.

3 (g) If any person required to register by this section changes his  
4 or her residence address, he or she shall inform, in writing within  
5 10 days, the law enforcement agency with whom he or she last  
6 registered of his or her new address. The law enforcement agency  
7 shall, within three days after receipt of the information,  
8 electronically forward it to the Department of Justice. The  
9 Department of Justice shall forward appropriate registration data  
10 to the law enforcement agency having local jurisdiction of the new  
11 place of residence.

12 (h) Any person required to register under this section who  
13 violates any of the provisions thereof is guilty of a misdemeanor.  
14 Any person who has been convicted of arson or attempted arson  
15 and who is required to register under this section who willfully  
16 violates any of the provisions thereof is guilty of a misdemeanor  
17 and shall be sentenced to serve a term of not less than 90 days nor  
18 more than one year in a county jail. In no event does the court have  
19 the power to absolve a person who willfully violates this section  
20 from the obligation of spending at least 90 days of confinement  
21 in a county jail and of completing probation of at least one year.

22 (i) Whenever any person is released on parole or probation and  
23 is required to register under this section but fails to do so within  
24 the time prescribed, the Board of Parole Hearings, the Department  
25 of Corrections and Rehabilitation, Division of Juvenile Facilities,  
26 or the court, as the case may be, shall order the parole or probation  
27 of that person revoked.

28 (j) The statements, photographs, and fingerprints required by  
29 this section shall not be open to inspection by the public or by any  
30 person other than a regularly employed peace officer~~or~~, other law  
31 enforcement officer, *or chief fire official of a legally organized*  
32 *fire department or fire protection district in the state.*

33 (k) In any case in which a person who would be required to  
34 register pursuant to this section is to be temporarily sent outside  
35 the institution where he or she is confined on any assignment within  
36 a city or county, including, but not limited to, firefighting or  
37 disaster control, the local law enforcement agency having  
38 jurisdiction over the place or places where that assignment shall  
39 occur shall be notified within a reasonable time prior to removal  
40 from the institution. This subdivision shall not apply to any person

1 temporarily released under guard from the institution where he or  
2 she is confined.

3 (l) (1) Nothing in this section shall be construed to conflict with  
4 Section 1203.4 concerning termination of probation and release  
5 from penalties and disabilities of probation.

6 (2) A person required to register under this section may initiate  
7 a proceeding under Chapter 3.5 (commencing with Section  
8 4852.01) of Title 6 of Part 3 and, upon obtaining a certificate of  
9 rehabilitation, shall be relieved of any further duty to register under  
10 this section. This certificate shall not relieve the petitioner of the  
11 duty to register under this section for any offense subject to this  
12 section of which he or she is convicted in the future.

13 (3) Any person who is required to register under this section  
14 due to a misdemeanor conviction shall be relieved of the  
15 requirement to register if that person is granted relief pursuant to  
16 Section 1203.4.